

CLOSED SESSION – REGULAR COUNCIL/REDEVELOPMENT AGENCY/COLTON  
UTILITY AUTHORITY CLOSED SESSION MEETING MINUTES

September 1, 2009

Closed Session Meeting was held on the above given date at 5:04 p.m., in the Council Chambers of City Hall, with Mayor Chastain presiding.

CITY COUNCIL ROLL CALL

Councilmembers present: Toro, Yzaguirre, Bennett Perez, Mayor Pro Tempore Oliva and Mayor Chastain, CM De La Rosa absent.

PUBLIC COMMENT:

None.

City Attorney Martinez announced that the City Council would meet in Closed Session to discuss Items A thru C below:

CLOSED SESSION:

- A. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION  
Pursuant to Government Code section 54956.9(a)  
Case Name: Nancy L. Kochanski v. City of Colton  
Case Number: San Bernardino County Superior Court Case No. CIVSS 814283
  
- B. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION  
Pursuant to Government Code section 54956.9(a)  
Case Name: Reymundo Rodriguez & Adriel Guitron v. City of Colton and Eric Fraser  
Case Number: US District Court Case No. CV-00303-SGL-OP
  
- C. CONFERENCE WITH LABOR NEGOTIATORS  
Government Code Section 54957.6  
City Representative: Bob Miller, Interim City Manager  
Employee Organization (Positions Involved): Executive Unit (Finance Director and Community Services Director/Human Resource Director)

Mayor Chastain adjourned the meeting to Closed Session at 5:05 p.m. and at 6:02 p.m.; the meeting reconvened with all members present as heretofore.

City Attorney Martinez reported that the Council did meet and did confer in Closed Session on the items previously announced with no reportable action.

- A. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION  
Case Name: Nancy L. Kochanski v. City of Colton  
Case Number: San Bernardino County Superior Court Case No. CIVSS 814283

ACTION: No Reportable

- B. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION  
Case Name: Reymundo Rodriguez & Adriel Guitron v. City of Colton and Eric Fraser  
Case Number: US District Court Case No. CV-00303-SGL-OP  
ACTION: No Reportable
- C. CONFERENCE WITH LABOR NEGOTIATORS  
City Representative: Bob Miller, Interim City Manager  
Employee Organization (Positions Involved): Executive Unit (Finance Director and  
Community Services Director/Human Resource Director)  
ACTION: No Reportable

CITY OF COLTON  
REGULAR CITY COUNCIL/REDEVELOPMENT AGENCY/COLTON UTILITY  
AUTHORITY MEETING MINUTES

September 1, 2009

Regular Meeting held on the above-given date at 6:03 p.m., in the Council Chambers of City Hall, with Mayor Chastain presiding.

INVOCATION:

Pastor Bob Johnson led the invocation.

FLAG SALUTE:

Water/Wastewater Director Fraser led the Pledge of Allegiance.

ROLL CALL:

Members Present:

Mayor Kelly Chastain  
Alex Perez  
Mayor Pro Tempore Susan Oliva  
Vincent Yzaguirre  
Deirdre H. Bennett  
Dave Toro

Staff Present:

Bob Miller, Interim City Manager  
Marco A. Martinez, City Attorney  
Olivia R. Flores, CMC, Chief Deputy City Clerk

Absent:

Richard A. De La Rosa

### CEREMONIAL MATTERS:

#### *Presentations, Awards, Proclamations*

- Proclamation Mayor Chastain read and presented a proclamation for “September 2009 - National Preparedness Month” to Fire Chief Hendrix.  
  
Fire Chief Hendrix introduced Emergency Services Coordinator, Debra Kreske who provided a brief overview on the National Preparedness Month regarding upcoming activities and CERT Training.
- Presentation Community Services Director Smith introduced Peter Sterenburg, Colton Disposal, who presented a check for the 226 Program
- Recognition Community Services Manager Farrar introduced Volunteer Program Recreation Coordinator Kelly Phelps and Recreation Specialist Anthony Fernandez, who acknowledged fourteen volunteer youth.
- Recognition Interim City Manager Miller recognized the upcoming retirement of Finance Director Dilu DeAlwis, and introduced Assistant City Manager Nuaimi who provided gifts for use in his future endeavors.  
  
Mayor Chastain read and presented a certificate in honor of his upcoming retirement.

### RECESS:

At 6:24 p.m. Mayor Chastain announced a recess and at 6:45 p.m. the meeting was reconvened with all members present heretofore.

### MAYOR AND COUNCIL ITEMS:

POSSIBLE CONFLICT OF INTEREST DISCLOSURES FOR THE COUNCIL MEETING OF SEPTEMBER 1, 2009.

Mayor Chastain asked the members present if there were any agenda items that were a conflict of interest pursuant to CMC Section 2.04.030. None.

### AB 1234 ORAL REPORTS:

None.

### APPOINTMENTS:

#### *City Commissions & Committees; Regional Boards & Committees*

District 2 – CM De La Rosa presented for ratification the appointment of Peggy Rayburn to the Civil Service Commission.

With consensus of the council present for ratification the appointment of Peggy Rayburn to the Civil Service Commission.

### PUBLIC COMMENT:

The following citizens addressed the council: Kathy Davis, Ron Lawrence, and John Anaya.

### **MAYOR AND COUNCIL ORAL REPORTS AND COMMENTS:**

- Acknowledged Volunteers
- Acknowledged Deceased Father's Raul Yzaguirre's Birthday.
- Acknowledged Mr. & Mrs. Jack Deal and invitation to Kiwanis Breakfast
- Senior Dance Luau
- Acknowledged Vounteen Parents
- Acknowledged Pastor Bob Johnson
- Acknowledged Ron Lawrence
- Labor Day, Monday September 7<sup>th</sup>.
- In response to comments on reserves, Interim City Manager is keeping City Council well informed.
- Calif. League of Cities Legislative Task Force
- Acknowledged Eric Fraser
- Acknowledged Water and Street personnel for quick response to weekend safety issue
- Acknowledge Mr. Anaya
- Status of Drought Resistance Ordinance (City Atty Martinez explained that a model draft ordinance is being prepared and will meet with Water Director Fraser to finalize).
- Water Conference
- \$ D Success Academy Graduation
- Acknowledged Code Enforcement
- PAL Meeting
- CART Academy
- Colton Crossing Focus Group
- Rehab of Well 16 & 22
- Solar Project at El Sombrero Market
- Acknowledged Williams Furnace
- Chamber of Commerce Installation Dinner
- Spaghetti Dinner Fundraiser for CERT Volunteers

### CITY MANAGER ORAL REPORTS:

Interim City Manager Miller commented on the following:

- Proactive with local nightclubs
- Introduced Assistant City Manager Nuaimi who provided a brief overview on the revocation of CUPs for health and safety issues.

### CONSENT CALENDAR:

Interim City Manager Miller presented Consent Calendar Items No. (s) 1 thru 9 for consideration and approval.

Motion/second by CM Yzaguirre/Bennett to approve Consent Calendar Items 1 thru 9. Motion carried with CM De La Rosa absent.

- (1) Minutes – Approved City Council Minutes for the Regular Meeting held August 18, 2009, on file in the Office of the City Clerk.
- (2) Warrants – Approved Payable Warrants #109522 to #109670, Dated 7/30/09, Totaling \$3,031,139.09; Approval of Payable Warrants #109671 to #109821, Dated 8/6/09, Totaling \$2,165,052.38; Approval of Payroll Disbursement Listing for Pay Period of 8/8/09 to 8/21/09, Totaling \$808,236.40, on File in the Finance Department.
- (3) Personnel/Finance – Approved Request for Employee Reclassification to the Full-Time Position of Payroll Technician I in the Finance Department; Approve the Job Description to Reflect the New Title, and Approve and Adopt a Resolution Amending Resolution No. R-47-07, RESOLUTION NO. R-67-09.
- (4) CUA/Second Reading of O-06-09 – Approved Request to Waive Full Reading and Pass Second Reading of an Ordinance Amending Chapter 13.08 of the Colton Municipal Code, Regulating the Discharge of Wastes into the Sewerage System of the City of Colton and Repealing Ordinance No. O-03-08, ORDINANCE NO. O-06-09.
- (5) CUA/Pretreatment Program Enforcement Response Plan – Approved and Adopted a Resolution for the City Council of the City of Colton Establishing a Pretreatment Program Enforcement Response Plan, RESOLUTION NO. R-68-09.
- (6) CUA/Wastewater Discharge Limitations – Approved and Adopted a Resolution for the City Council of the City of Colton Establishing Wastewater Discharge Limitations, RESOLUTION NO. R-69-09.
- (7) San Bernardino Animal Shelter – Approved the 6-month Extension of the Animal Housing Services Agreement between the City of San Bernardino and the City of Colton Effective from July 1, 2009 through December 31, 2009.
- (8) Reimbursement Claim – Approved Request to Authorize the Submittal of a Reimbursement Claim for Transportation Development Act Article 3 Grant Program in the Amount of \$440,964.
- (9) Notice of Completion – Approved Request to Authorize to File Notice of Completion for Installation of Grey Water System for the Veteran's Park Irrigation System Project.

#### **STAFF REPORTS:**

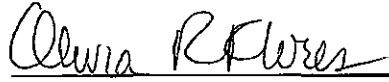
#### **CITY MANAGER'S WRITTEN REPORTS AND RECOMMENDATIONS:**

- (10) City Manager Recruitment Presentation. *[Verbal Report]* ***PULLED TO RETURN TO A LATER DATE.***

#### **CITY ATTORNEY'S WRITTEN REPORTS AND RECOMMENDATIONS:**

ADJOURNMENT:

At 7:34 p.m., Mayor Chastain declared the Regular Meeting.

A handwritten signature in black ink, reading "Olivia R. Flores", is written over a horizontal line.

Olivia R. Flores, CMC  
Chief Deputy City Clerk